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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

Re: Written Ex Parte Comments in CC Docket No. 92-105, In  
the Matter of the Use of N11 codes and Other  
Abbreviated Dialing Arrangements

Dear Ms. Searcy:

Pursuant to Section 1.1206(a)(1) of the Commission's Rules,  
47 C.F.R. § 1.1206(a)(1) (1991), Audio Services, Inc. d/b/a IT  
Network, hereby submits two copies of its written ex parte  
comments in the above-referenced proceeding.

Please direct any questions regarding this submission to the  
undersigned.

Respectfully submitted,

John J. Reed  
Executive Vice President  
Audio Services, Inc.

Enclosure

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**ASI**

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of )  
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The Use of N11 Codes and Other ) CC Docket No. 92-105  
Abbreviated Dialing Arrangements )

**EX PARTE COMMENTS**

Audio Services, Inc. d/b/a IT Network™ (the "IT Network™") hereby submits these ex parte comments in the above-referenced proceeding.<sup>1/</sup> In this ex parte submission, the IT Network™ strongly urges the Commission to adopt rules requiring local exchange carriers to provide abbreviated dialing arrangements for telephone-based information services through N11 code assignments. In drafting such rules, IT Network™ urges the Commission to ensure that providers of independent network platforms for information services have access to the N11 assignments on a nationwide basis.

**INTRODUCTION AND BACKGROUND**

The IT Network™, founded in 1988 and based in Dallas, Texas, is one of the fastest growing telephone-based information services companies in the U.S., developing a substantial presence in major market areas throughout the nation. Unlike many other companies in the information services market, the IT Network™ is

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<sup>1/</sup> IT Network submits these comments pursuant to Section 1.1206(a)(1) of the Commission's Rules concerning written ex parte submissions. See 47 C.F.R. § 1.1206(a)(1) (1991).

independent and not an adjunct of any particular newspaper, radio or TV media. The IT Network™ has succeeded in the creation and operation of a unique "network" approach to the provision of information services over the telephone.

Acting as a "carrier's carrier," the IT Network™ provides its IT Network™ media affiliates -- including major newspapers, radio and network television stations -- with access to a telephone-based information services "platform." The IT Network's™ facilities and service arrangements with these many and diverse commercial customers allow consumers to gain access to a broad variety of information service programs, including local events, news, business reports, weather and sports.

The IT Network™ also actively makes its platform services available for educational uses. For example, in over 40 school districts, the IT Network™ has implemented the Teacher's Assistance Program™ ("TAP™") which allows parents to hear a daily recording of the homework assignments of their children, sample test questions, and school events. We have also helped municipalities and utilities provide reliable, 24-hour consumer information services. By providing non-commercial and commercial media affiliates and Information Providers ("IPs") access to a network platform that offers economies of scale and cost efficiencies, the IT Network™ advances the availability of a wide variety of up-to-date, beneficial information services to the American public.

## DISCUSSION

The IT Network™ urges the Commission to act expeditiously in this proceeding to adopt rules permitting the local exchange companies ("LECs") to make unused N11 codes available to companies such as the IT Network™ which provide a "carrier's carrier" information services platform. We strongly agree with numerous parties that the Commission should act quickly to change the current environment in which many N11 codes simply lie fallow.

The IT Network™ believes that unused N11 codes should be allocated and activated for provision of universally convenient access to national and local information services. This objective can be achieved rapidly if the Commission enables the IT Network™ and similar companies, on a first come, first served basis, to establish nationwide N11-accessed networks allowing consumers to use a single, easily remembered code in order to reach a wide variety of useful information programs. We believe that the clear consumer benefits which would result from such use of N11 codes -- already shown by the widespread and familiar consumer use of the 411 code -- warrant immediate Commission action, even if the Commission determines that such a decision must necessarily be an interim step pending resolution of broader numbering plan issues.<sup>2/</sup>

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<sup>2/</sup> In this regard, IT Network notes that the Commission recently initiated a Notice of Inquiry on numbering plan issues. See Administration of the North American Numbering Plan, CC Docket No. 92-237, FCC 92-470 (released Oct. 29, 1992).

The IT Network™ specifically agrees with the Commission that "211, 311, 511 and 711 should be available for abbreviated dialing and that 611 and 811 should also be available at least wherever an exchange carrier does not currently use those codes."<sup>3/</sup> Consistent with its public interest mandate, the Commission should make available as soon as possible the maximum number of unused N11 codes for information services applications.

Contrary to certain views expressed in this proceeding, the IT Network™ does not believe it is necessary for the Commission to delay allocation of N11 codes for abbreviated information services dialing pending resolution of other numbering plan issues.<sup>4/</sup> We believe that allowing the IT Network™ and other providers of broad-based information services network platforms to use these codes would maximize the rapid availability to consumers of conveniently accessed information services absent the potential for consumer problems which some parties have warned against if such N11 uses must cease because, for example, the numbers are needed for area codes.

In particular, use of the N11 codes by an independent network platform provider such as the IT Network™ ensures centralized, uniform management of all IP customer access to the codes, and addresses the concerns many parties have raised about

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<sup>3/</sup> Notice of Proposed Rulemaking, CC Docket No. 92-105, FCC 92-203 (released May 6, 1992) ("Notice") at ¶ 12.

<sup>4/</sup> See, e.g., Comments of the NYNEX Telephone Companies (filed June 5, 1992) at 2-8; Comments of U S West Communications, Inc. (filed June 5, 1992) at 4-9.

the potential for consumer confusion should the numbers be recalled. For example, in the event that service changes of any kind are necessary, including changes in N11 codes or other access codes used, the IT Network™ has the capability and resources to ensure that consumers uniformly receive proper notice of such changes. If required, the IT Network™ can oversee a smooth transition to another access method, provided that the IT Network™ receives adequate notice of an N11 code recall.

For this reason, the IT Network™ believes that it (and other companies that may offer an independent network platform for information services) is ideally qualified to put N11 codes to their best use in the information services marketplace. To the extent that the Commission decides that LECs should award preferences to certain companies proposing "innovative ways of using the telephone company's network,"<sup>5/</sup> we believe that companies providing an independent network platform to other IPs deserve a preference. Such platforms represent the most efficient way to maximize the availability of the N11 code from region to region, promoting greater diversity in the information sources available to the public and supporting increased competition among information service providers. Permitting assignment of such codes to entities like the IT Network™ balances competing public interest concerns raised in this proceeding -- namely, the desire to make a broad array of local information services conveniently available to the public, and

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<sup>5/</sup> Notice at ¶ 16.

the need to accomplish this goal without squandering valuable numbering code resources, causing consumer confusion, and favoring only a handful of individual IPs that obtain access to the few available N11 codes in a particular region.

Given the benefits and efficiencies that providers of network platforms for information services offer, the IT Network™ believes that it is important that, if adopted, the Commission's rules for N11 allocation affirmatively charge the LECs to act in good faith in negotiating with them for the use of N11 codes. This is particularly critical where a company, like the IT Network™, plans to develop a uniform, nationwide network for IP customers which is accessed with a single N11 code. The IT Network™ also believes if the Commission concludes that compensation obligations apply to companies receiving use of an N11 code, such payment obligations should be kept at a minimal level for entities such as the IT Network™ providing an independent network platform that supports wide dissemination of numerous IP services.

In short, the IT Network™ submits that the Commission can and should allocate N11 codes consistent with the balanced, low-risk approach discussed herein, which is far superior to the current environment in which many N11 codes are not being used at all. As recent trade press articles indicate (See Attachment 1, Newspaper article announcing "511" trial in Florida by The Palm Beach Post), strong industry and consumer interest exists to support the expanded use of N11 codes for information services.

The Commission should foster further nationwide growth in the information services market by mandating the availability of N11 abbreviated dialing codes, and facilitating their use by independent network platform providers like the IT Network™.

**CONCLUSION**

As detailed above, the IT Network™ supports the Commission's proposal to adopt rules requiring LECs to make N11 codes available for abbreviated dialing arrangements. In adopting such rules, the IT Network™ urges the Commission to ensure that independent network platform providers in the information services market will have opportunities to use N11 codes on a nationwide basis. This consideration serves the public interest because of the unique contribution independent network platform providers make in promoting the wider availability of information services to consumers, and in supporting system access and competition among individual information service providers.

Respectfully submitted,



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November 13, 1992



# Florida Paper Tests Service: Information by '511' Number

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By ANTHONY RAMIREZ

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In a potentially significant action, utility regulators in Florida are letting a newspaper use an easy-to-remember "511" telephone number so its readers can call for faxes and other information about news and sports reports and advertisements.

The Florida Public Service Commission voted last week to let The Palm Beach Post, part of the Cox Newspaper chain in Atlanta, offer the service temporarily in West Palm Beach. The commission typically allows such experiments for two years but can withdraw permission at any time, especially if the Federal Communications Commission makes a conflicting ruling.

If the decision is made final and spreads to other states, "511" service would give the newspaper industry a valuable marketing tool. For example, readers could dial a newspaper's "511" number and get the fax of the transcript of a Presidential debate, late-breaking scores or the nearest location of a department store.

## Easier to Remember

Three-digit numbers, like 411 for directory assistance, are more valuable to companies than similar "976"

and "900" seven-digit numbers because they are easier to remember. Moreover, callers are billed through the monthly local telephone bill, rather than separate bills.

In addition, "511" numbers are free from the taint in the public mind of association with the steep charges and unsavory reputation of the sexually explicit "970" and "976" adult phone lines. The fee for "511" numbers would also typically be a flat fee of 50 cents or less a call, instead of \$1 or more a minute.

"This decision," said James T. McKnight, vice president-telecommunications for Cox Newspapers, "gives newspapers a chance to compete with the telephone business on a more equal footing."

Newspapers have been locked in an increasingly bitter battle with the telephone industry over electronic information services. They fear that phone companies may offer audio and video services, including help-wanted notices and real estate placements, that may prove to be more attractive than classified ads.

Classifieds are especially important to newspapers because the recession has hurt display advertising, which usually is taken out by department stores and other troubled retailing industries.